

5-5-08 BTB137197

65100/1134LIT-4763

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES T. SULLIVAN, etc.)	
)	No. 08 C 1035
Plaintiff,)	
v.)	Judge Charles R. Norgle
)	
HOWE PLUMBING, INC.,)	Magistrate Judge
)	Nan R. Nolan
Defendant.)	

PLAINTIFF'S MOTION FOR RULE TO SHOW CAUSE

NOW COMES Plaintiff, JAMES T. SULLIVAN, etc., by his attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA M. SIMIONI, and BRIAN T. BEDINGHAUS, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and moves this Court to issue a Rule (Order) to Show Cause requiring Jack Howe, President of Defendant HOWE PLUMBING, INC., to personally appear and show cause why he should not be held in contempt of Court for causing Defendant to fail and refuse to abide by the Order of this Court dated April 11, 2008. In support hereof, Plaintiff states:

1. On February 20, 2008, Plaintiff filed this action, inter alia, to conduct an audit verifying Defendant's compliance with certain Collective Bargaining Agreements ("Agreements") for the period from April 1, 2006, to the present.
2. Jack Howe is the President of Defendant.
3. When Defendant failed to appear or otherwise plead on or before March 24, 2008, Plaintiff filed its Motion for Default Judgment on March 25, 2008, for presentment on April 11, 2008.
4. On March 25, 2008, Plaintiff's counsel mailed a copy of his Motion to

Defendant's registered agent, John D. McShane.

5. On April 11, 2008, this Court entered an order holding Defendant in default for failure to appear and answer the Complaint. The order further required Defendant to submit its books and records to Plaintiff's auditors on or before May 2, 2008. A true and correct copy of the Court's order is attached hereto as Exhibit A.

6. On April 15, 2008, Plaintiff's attorney mailed a copy of the Court's Order to Defendant's registered agent, John D. McShane, and requested that Defendant contact Plaintiff's auditors to schedule a date for the audit prior to May 2, 2008.

7. As of the date of filing this Motion, Defendant has failed and refused to contact Plaintiff's attorney or Plaintiff's auditor, and it has failed and refused to otherwise comply with the Court's April 11, 2008, Court order.

8. Plaintiff requests the Court enter the draft Order attached hereto as Exhibit B.

WHEREFORE, Plaintiff, JAMES T. SULLIVAN, etc., requests the Court to issue a Rule (Order) to Show Cause requiring Jack Howe, President of HOWE PLUMBING, INC., to personally appear and show cause why he should not be held in contempt of Court for causing Defendant's failure to comply with and abide by the April 11, 2008, Order of this Court.

JAMES T. SULLIVAN, etc., by his
attorneys, DOUGLAS A. LINDSAY,
JOHN W. LOSEMAN, LISA M.
SIMIONI, and BRIAN T. BEDINGHAUS

s/ Brian T. Bedinghaus

By: _____

Of Counsel:
Lewis, Overbeck & Furman, LLP
20 N. Clark Street
Suite 3200
Chicago, IL 60602-5093
312.580.1200

Brian T. Bedinghaus
20 N. Clark Street
Suite 3200
Chicago, IL 60602-5093
312.580.1269

PROOF OF SERVICE

I served copies of the foregoing MOTION FOR RULE TO SHOW CAUSE upon:

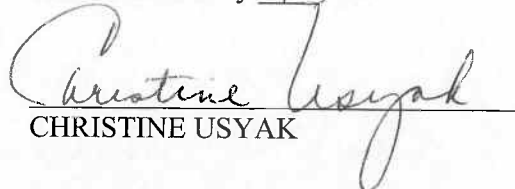
Howe Plumbing, Inc.
c/o Its Registered Agent, John D. McShane
6904 W. Cermak Rd.
Berwyn, IL 60402

Howe Plumbing, Inc.
c/o Jack Howe, President
17743 Oak Park Ave.
Tinley Park, IL 60477

by placing true and correct copies thereof in sealed envelopes addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Suite 3200, Chicago, Illinois on May 9, 2008, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 9, 2008


CHRISTINE USYAK

LEWIS, OVERBECK & FURMAN, LLP
20 North Clark Street
Suite 3200
Chicago, IL 60602-5093
312.580.1200